

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRIAN RASCON,

Petitioner,

v.

CV 12-0036 JP/WPL

JAMES LOPEZ, Warden,

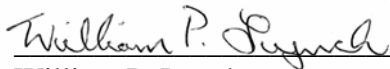
Respondent.

ORDER

Respondent has requested an extension until February 27, 2012 to file his answer. (Doc. 6.) The extension is sought to obtain Petitioner's current judgment and sentence in order to finalize the Answer. (*Id.* at 2.)

In the motion, Respondent incorrectly states that his answer was due February 20, 2012. In actuality, the answer was due February 16, 2012, thirty days after the date that my Order was entered. (*See* Doc. 4 ("Respondent shall answer said application **within thirty (30) days from the date of entry of this Order.**") (emphasis added).) While three days are generally added to extend due dates when service is made electronically, *see* FED. R. CIV. P. 6(d), that extension does not apply to deadlines that are fixed by the court. *See Bacon v. Stiefel Labs., Inc.*, 714 F. Supp. 2d 1186, 1190 n.1 (S.D. Fla. 2010).

Although Respondent's motion was not timely filed, I find that there is good cause for an extension. IT IS THEREFORE ORDERED that Respondent's motion is granted and Respondent shall have until February 27, 2012 to file an answer.



William P. Lynch
United States Magistrate Judge